

**FRIEDMAN, JAMES & BUCHSBAUM LLP**

**Andrew V. Buchsbaum, Esq. (AB-6475)**

21 Kilmer Drive  
Building 2, Suite G  
Morganville, NJ 07751

-and-

132 Nassau Street, Suite 900  
New York, NY 10038  
(212) 233-9385 (phone)  
(212) 619-2340 (fax)  
abuchsbaum@friedmanjames.com

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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In the Matter of the Complaint of

Civil Action No: 13-315 (WJM)

:

SEASTREAK, LLC, as Owner of the  
for Exoneration from or Limitation  
of Liability

:

**ANSWER OF DESMOND SULLIVAN**  
**(with jury trial demand)**

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DESMOND SULLIVAN (sometimes referred to as "Claimant"), by his attorneys,

**FRIEDMAN, JAMES & BUCHSBAUM LLP**, for his answer to the Verified Complaint of  
Seastreak, LLC, hereby states as follows:

1. The statements contained in paragraph 1 of the Verified Complaint are not directed to Claimant and consist of narrative and/or conclusions of law which are properly resolvable by the Court. To the extent that Petitioner has failed to comply with the provisions of the Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.*, Fed.R.Civ.P. 9(h) and/or Rule F of the Supplemental Rules for Admiralty and Maritime Claims, and to the extent that a response is required, the allegations contained in paragraph 1 of the Verified Complaint are denied.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Verified Complaint.

3. Admits the allegations contained in paragraph 3 of the Verified Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Verified Complaint.

5. Denies the allegations contained in paragraph 5 of the Verified Complaint.

6. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6 of the Verified Complaint.

7. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 7 of the Verified Complaint.

8. Admits that the Verified Complaint was filed on January 16, 2013, and except as so admitted, avers that the remaining allegations contained in paragraph 8 of the Verified Complaint are conclusions of law properly resolvable by the Court and accordingly, are denied.

9. The allegations contained in paragraph 9 of the Verified Complaint are conclusions of law properly resolvable by the Court and accordingly, are denied.

10. The statements and/or allegations contained in paragraph 10 of the Verified Complaint consist of narrative, to which no response is required, and/or conclusions of law properly resolvable by the Court. To the extent that a response is required to the conclusions of law contained in paragraph 10 of the Verified Complaint, those allegations are denied.

11. The statements and/or allegations contained in paragraph 11 of the Verified Complaint consist of narrative, to which no response is required, and/or conclusions of law properly resolvable by the Court. To the extent that a response is required to the conclusions of law contained

in paragraph 11 of the Verified Complaint, those allegations are denied.

**FIRST AFFIRMATIVE DEFENSE**

12. The Verified Complaint fails to state a cause of action upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

13. The incident described in the Complaint occurred within the privity and/or knowledge of the vessel owner, its employees and/agents.

**THIRD AFFIRMATIVE DEFENSE**

14. The Ad Interim Stipulation filed by plaintiff/petitioner herein is insufficient and should be increased pursuant to Supplemental Admiralty Rule F(7).

**FOURTH AFFIRMATIVE DEFENSE**

15. The subject vessel, appurtenances, equipment and/or crew were unseaworthy at the commencement of the voyage.

**FIFTH AFFIRMATIVE DEFENSE**

16. There was no comparative or contributory fault by Claimant.

**WHEREFORE**, Claimant demands that the Verified Complaint be dismissed; that his right to a trial by jury and/or advisory jury be preserved with respect to all claims asserted by Claimant; that the stay issued by this Court be dissolved and Claimant permitted to proceed with his claim whether in the within Court or in a State Court of his choosing; that the claims submitted herewith be allowed to proceed; that Claimant be awarded pre-judgment interest and costs of suit; that plaintiff in limitation's right to exoneration and/or limitation of liability be denied; and/or that Claimant have such other, further and different relief as to the Court seems just and proper.

Dated: May 10, 2013

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Claimant DESMOND SULLIVAN

By: /s/ Andrew V. Buchsbaum  
Andrew V. Buchsbaum (AB-6495)

TO: **By ECF:**

Clerk of Court

All Counsel of Record